

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GREGORY F. ROBINSON,	§
	§
Defendant Below,	§ No. 146, 2021
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1902005192 (K)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: June 16, 2021

Decided: June 21, 2021

Before **SEITZ**, Chief Justice; **VALIHURA** and **MONTGOMERY-REEVES**, Justices.

ORDER

After careful consideration of the notice to show cause and the response to the notice to show cause, it appears to the Court that:

(1) On May 12, 2021, the appellant, Gregory F. Robinson, filed a notice of appeal from a March 30, 2021 Superior Court order sentencing him for a violation of probation (“VOP”). Under Supreme Court Rule 6, a timely notice of appeal should have been filed on or before April 29, 2021. On May 19, 2021, the Senior Court Clerk issued a notice directing Robinson to show cause why the appeal should not be dismissed as untimely.

(2) In his response to the notice to show cause, Robinson does not address the untimely nature of his appeal. Instead, he states that he was charged with a new VOP and wishes to see what his new VOP sentence will be before he proceeds with this appeal.

(3) Time is a jurisdictional requirement.¹ A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.² Unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, an untimely appeal cannot be considered.³

(4) Robinson does not contend that his failure to file a timely notice of appeal from his March 30, 2021 VOP sentence is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. If Robinson wishes to appeal a new VOP sentence, he must file a notice of appeal from that sentence.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

² Supr. Ct. R. 10(a).

³ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).